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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Brown, et al. : DECISION ON PETITION
Application No. 10/554,626 :
Filed: October 26, 2005 :
Atty. Dkt. No.: 102790-133 :
(30077) :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed March 26, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed August 31, 2007. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed March 18, 2008.

Petitioners argue that a proper response to the non-final Office action, including petition for three month extension of time, was timely submitted on February 29, 2008.

Review of Office records reveals that the response received at the USPTO on February 29, 2008, while intended for instant application did not include the correct application serial number. The response improperly cited U.S. App. No. 10/544, 626. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be

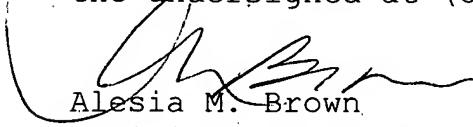
avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


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Office of Petitions